

RECEIVED  
CENTRAL FAX CENTER

REMARKS/DISCUSSION OF ISSUES

FEB 28 2007

Allowable Subject Matter

Applicants gratefully acknowledge the indication of allowability of the subject matter of claims 3 and 16. Claims 1 and 10, respectively, have been amended to include the subject matter of these claims, and where applicable the subject matter of intervening claims. Therefore all claims are believed to be allowable over the applied art discussed in connection with the rejection under 35 USC 103(a).

Provisional Double Patenting Rejection

Claims 1-20 are the subject of a Provisional Double Patenting rejection in view of U.S. Patent Application Number 10/613,299. The amendments to claims 1 and 10 are believed to render all pending claims allowable, excepting the Provisional Double Patenting rejection in view of U.S. Patent Application Number 10/613,299. Upon withdrawal of all other rejections, and if only the Double Patenting rejection remains, Applicants will provide a terminal disclaimer rendering this rejection moot.

Rejection Under 35 U.S.C. 103(a)

1. In view of the present response, all rejections under 35 USC 103(a) are believed moot. Notably, the rejections in view of *Lane* (US Patent 5,148,230) in view of *Joline, et al.* (U.S. Patent 6,005,696); and in view of *Lane* (US Patent 5,148,230) and *Joline, et al.* (U.S. Patent 6,005,696) in view of *Tanimoto, et al* (US Patent 6,069,697) are believed moot. Withdrawal of these rejections is earnestly solicited.

RECEIVED  
CENTRAL FAX CENTER

007/007

FEB 28 2007

Conclusion

In view of the foregoing, applicants respectfully request the withdrawal of the objections and rejections of record, the allowance of all pending claims, and the holding of the application in condition for allowance.

If any points remain in issue, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies to charge payment or credit any overpayment to Deposit Account Number 50-0238 for any additional fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

Respectfully submitted on behalf of

Circadian Systems, Inc.



by: William S. Francos, Esq.

Attorney for Applicants

(Reg. No. 38,456)

February 28, 2007

Volentine, Francos & Whitt, PLLC

One Freedom Square

11951 Freedom Dr.

Suite 1260

Reston, VA 20190

(571) 283-0720

(610) 375-3513 (Mr. Francos' number in Pennsylvania).